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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Dayton, Ohio

Docket No. **9035.00**

Application of

Joseph Cosentino

AUG 0 2 2005

Serial No. **09/848,005**   Group Art Unit: **2142**

Filed: **May 3, 2001**   Examiner: **Robert B. Harrell**

For: **WIRELESS REMOTE CONTROL OF A FINANCIAL**
        DOCUMENT PROCESSING SYSTEM

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPEAL BRIEF

Sir:

This Appeal Brief is in furtherance of the Notice of Appeal filed in this case on **June 3, 2005**. Three copies of the Appeal Brief are filed herewith. Authorization is given to charge deposit account number 14-0225 for the fee under 37 C.F.R. 1.17 for filing the Appeal Brief.

(1)   REAL PARTY IN INTEREST

The present application is assigned to NCR Corporation of Maryland.

(2)   RELATED APPEALS AND INTERFERENCES

None.

(3)   STATUS OF CLAIMS

The above-identified patent application was filed on May 3, 2001 with claims 1-17. In response to an Office Action mailed on August 12, 2004, claims 1-17 were canceled and new claims 18-30 were added. In response to a final Office Action mailed on March 4, 2005, claims 18, 19, and 26 were canceled. As per an Advisory Action mailed on May 5, 2005, the response to the final Office Action was entered. In response to the Advisory Action mailed on May 5, 2005, a supplemental amendment which changed the title of the present application was entered. A Notice of Appeal was filed on June 3, 2005. Thus, claims 1-19 and 26 are canceled, and claims 20-25 and 27-30 stand rejected.

Claims 20-25 and 27-30 are being appealed and are attached as an appendix to this Appeal Brief.

(4)   STATUS OF AMENDMENTS

The amendment (which canceled claims 18, 19, and 26 of the present application) which responded to the final Office Action mailed on March 4, 2005 has been entered. The supplemental amendment (which changed the title of the present application) which responded to the Advisory Action mailed on May 5, 2005 has been entered.

(5)   SUMMARY OF CLAIMED SUBJECT MATTER

<u>Independent Claim 20</u>

A financial document processing system 100, 200 comprises a financial document processing transport 102, 202 including (i) means defining a document transport path 106, 206 along which financial documents can be transported (see page 5, lines 19-22; page 8, lines 4-7), and (ii) a first display 114, 214 for allowing an operator to view an operator

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message which relates to an exception condition which has occurred along the document transport path (see page 6, lines 9-12; page 7, lines 12-17; page 8, lines 12-14). The financial document processing system further comprises a transport controller 110, 224 including (i) means for controlling operation of the transport (see page 6, lines 9-12; page 8, lines 23-25), and (ii) means for generating an operator message when an exception condition occurs along the document transport path (see page 7, lines 12-17). The financial document processing system also comprises a transmitter interface 116, 226 including (i) means for receiving operator messages from the transport controller (see page 6, lines 12-16; page 8, line 28 to page 9, line 2), and (ii) means for wirelessly transmitting operator messages (see page 8, line 27 to page 9, line 2). The financial document processing system also comprises a portable control unit 118, 228 which is separate from the transport and which can be carried by an operator between a first location in which the operator is able to view the first display on the transport and a second location in which the operator is unable to view the first display on the transport (see page 6, lines 12-21; page 7, lines 12-15; page 8, line 27 to page 9, line 4). The portable control unit includes (i) means for wirelessly receiving operator messages from the transmitter interface (see page 6, lines 12-15; page 8, line 27 to page 9, line 4), (ii) a second display for allowing the operator to view an operator message which relates to an exception condition which has occurred along the document transport path without having to move from the second location to the first location to view the operator message on the first display (see page 7, lines 9-15; page 9, line 23 to page 10, line 2), (iii) means for receiving command inputs from the operator (see page 7, line 23 to page 8, line 3), (iv) means for transmitting command messages which are based upon the command inputs to the transport to control operation of the transport (see page 7, line 23 to page 8, line 3; page 10, lines 5-17), (v) means for receiving a broadcasted message advising that the transport is available (see page 6, lines 19-27), (vi) means for enabling the operator to select the transport (see page 6, lines 21-27), and (vii) means for exchanging authenticating information with the transport to establish a communication session with the transport (see page 6, lines 1-5; page 9, lines 4-14).

Independent Claim 25

A method is provided of operating a financial document processing transport 102, 202 (see page 5, lines 19-22; page 8, lines 4-7). The method comprises establishing a communication session with a portable operator control unit 118, 228 which can be carried by an operator between one location of the transport and another location of the transport during operation of the transport (see page 6, lines 12-21; page 7, lines 12-15; page 8, line 27 to page 9, line 4), wirelessly transmitting operator messages to the portable control unit when an exception condition associated with the transport occurs (see page 6, lines 12-15; page 8, line 27 to page 9, line 4), and wirelessly receiving commands from the portable control unit when an operator responds to operator messages which have been wirelessly transmitted to the portable control unit (see page 7, line 23 to page 8, line 3).

Independent Claim 27

A method is provided of operating a financial document processing transport 102, 202 to handle an exception condition which occurs during operation of the transport (see page 5, lines 19-22; page 7, lines 12-17; page 8, lines 4-7; page 9, lines 15-23). The method comprises generating an operator message which is indicative of the exception condition (see page 7, lines 12-17); page 9, lines 23-27), displaying the operator message on a first display 114, 214 which is on the transport to allow an operator view the operator message when the operator is in a first location which is in the vicinity of the first display on the transport (see page 6, lines 9-12; page 7, lines 12-17; page 8, lines 12-14), wirelessly transmitting the operator message to a second display which is on a portable control unit which has been carried by the operator from the first location to a second location in which the operator is unable to view the operator message on the first display on the transport, and thereby to allow the operator to view the operator message on the second display on the portable control unit without having to move back to the first location to view the operator message on the first display on the transport (see page 7, lines 9-15; page 9, line 23 to page 10, line 2), and receiving a command message from the portable control unit when the operator issues

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commands based upon the operator viewing the operator message displayed on the second display on the portable control unit (see page 7, line 23 to page 8, line 3; page 10, lines 5-17).

Independent Claim 28

A financial document processing system 300 comprises a plurality of financial document processing transports 302A-302C in the vicinity of one another (see page 10, line 27 to page 11, line 1; page 11, lines 23-27). Each transport includes means for generating an availability message which includes a unique identifier when the transport is not engaged in a communication session (see page 11, lines 7-15). The financial document processing system further comprises first transmitter means 306, 310 including (i) means for processing messages including availability messages generated by each transport (see page 11, lines 1-15), and (ii) wirelessly broadcasting the messages (see page 11, lines 12-13). The financial document processing system also comprises a plurality of portable handheld operator control units 312A-312C in the vicinity of one another and within radio frequency of the first transmitter means (see page 11, lines 16-27). Each control unit includes (i) means for receiving messages which have been wirelessly broadcasted from the first transmitter means (see page 11, lines 16-27), (ii) means for generating a display listing available transports based upon messages which have been generated by transports (see page 18, line 26 to page 19, line 8), (iii) means for enabling an operator to select from the listing of available transports a desired transport with which to request a communication session (see page 19, lines 8-11), and (iv) means for wirelessly transmitting a selection message which is indicative of the transport which has been selected by the operator and with which the operator desires to request a communication session (see page 19, lines 16-24). The financial document processing system further comprises second transmitter means 306, 310 including (i) means for receiving messages including selection messages from each portable control unit (see page 19, line 25 to page 20, line 6), and (ii) means for directing messages including selection messages to the appropriate transport (see page 19, lines 10-14).

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(6) GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

An issue presented for review is whether each of claims 20-24 is patentable over U.S. Patent No. 5,754,673 to Brooks et al. (referred to herein as "Brooks"), whether taken singularly or in combination.

Another issue presented for review is whether claim 25 is patentable over Brooks, whether taken singularly or in combination.

Another issue presented for review is whether claim 27 is patentable over Brooks, whether taken singularly or in combination.

Another issue presented for review is whether claims 28-30 is patentable over Brooks, whether taken singularly or in combination.

(7) ARGUMENT

Applicant would like to respectfully point out that the rejection of each of claims 20-25 and 27-30 of the present application is improper for at least the reasons explained hereinbelow.

Claims 20-24

Each of claims 20-24 recites, inter alia, "a portable control unit including......(iii) means for receiving command inputs from the operator, (iv) means for transmitting command messages which are based upon the command inputs to the transport to control operation of the transport, (v) means for receiving a broadcasted message advising that the transport is available, (vi) means for enabling the operator to select the transport, and (vii) means for exchanging authenticating information with the transport to establish a communication session with the transport".

Applicant would like to respectfully point out that Brooks discloses a LAN connection by which a remotely located operator can view an image of a document and make corrections via conventional data entry procedures (see column 4, lines 1-13 of the specification of Brooks). Nowhere does Brooks disclose or even remotely suggest "a portable control unit including......(iii) means for receiving command inputs from the

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operator, (iv) means for transmitting command messages which are based upon the command inputs to the transport to control operation of the transport, (v) means for receiving a broadcasted message advising that the transport is available, (vi) means for enabling the operator to select the transport, and (vii) means for exchanging authenticating information with the transport to establish a communication session with the transport", as recited in each of claims 20-24 of the present application.

Applicant has respectfully requested that the Examiner specifically point out where Brooks discloses or suggests that an operator can enter a <u>command</u> (which is not the same as merely entering data) via a portable control unit to <u>select</u> a transport. In fact, Brooks does not disclose or even suggest that an operator can issue a command to control operation of a transport, let alone a command to select one of a plurality of transports to establish a communication session. However, the Examiner has not provided an adequate explanation. Accordingly, it is respectfully submitted that the rejection of claims 20-24 is improper and, therefore, should be withdrawn.

Claim 25

Claim 25 recites, inter alia, the step of "wirelessly receiving <u>commands</u> from the portable control unit when an operator responds to operator messages which have been wirelessly transmitted to the portable control unit" (*emphasis added by Applicant*). In this regard, Applicant would like to respectfully point out that Brooks discloses a LAN connection by which a remotely located operator can view an image of a document and make corrections via conventional data entry procedures (see column 4, lines 1-13 of the specification of Brooks). Nowhere does Brooks disclose or even remotely suggest wirelessly receiving <u>commands</u> from a portable control unit when an operator responds to operator messages which have been wirelessly transmitted to the portable control unit. Thus, claim 25 patentably defines over the prior art including Brooks, whether taken singularly or in combination, and is therefore allowable.

Claim 27

Claim 27 recites, inter alia, "receiving a <u>command message</u> from the portable control unit when the operator issues <u>commands</u> based upon the operator viewing the operator message displayed on the second display on the portable control unit" (*emphasis added by Applicant*). In this regard, Applicant would like to respectfully point out that Brooks discloses a LAN connection by which a remotely located operator can view an image of a document and make corrections via conventional data entry procedures (see column 4, lines 1-13 of the specification of Brooks). Nowhere does Brooks disclose or even remotely suggest receiving a <u>command message</u> from a portable control unit when an operator issues <u>commands</u> based upon the operator viewing an operator message displayed on a display on the portable control unit. Thus, claim 27 patentably defines over the prior art including Brooks, whether taken singularly or in combination, and is therefore allowable.

Claims 28-30

Each of claims 28-30 recites, inter alia, "each control unit including......(ii) means for generating a display listing available transports based upon messages which have been generated by transports, (iii) means for enabling an operator to select from the listing of available transports a desired transport with which to request a communication session, and (iv) means for wirelessly transmitting a selection message which is indicative of the transport which has been selected by the operator and with which the operator desires to request a communication session".

Applicant would like to respectfully point out that Brooks discloses a LAN connection by which a remotely located operator can view an image of a document and make corrections via conventional data entry procedures (see column 4, lines 1-13 of the specification of Brooks). Nowhere does Brooks disclose or even remotely suggest "each control unit including......(ii) means for generating a display listing available transports based upon messages which have been generated by transports, (iii) means for enabling an operator to select from the listing of available transports a desired transport with which to request a communication session, and (iv) means for wirelessly transmitting a selection message which
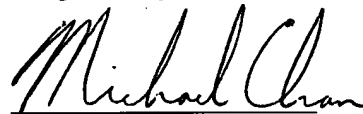
is indicative of the transport which has been selected by the operator and with which the operator desires to request a communication session".

Applicant has respectfully requested that the Examiner specifically point out where Brooks discloses or suggests that the operator is presented with a listing of available transports such that the operator can <u>select</u> one of the transports to request a communication session. However, the Examiner has not provided an adequate explanation. Accordingly, it is respectfully submitted that the rejection is improper and, therefore, should be withdrawn.

(8) CONCLUSION

In view of the forgoing reasons, it is clear that the rejection of claims 20-25 and 27-30 under 35 U.S.C. Section 102(b) and the rejection of claims 20-25 and 27-30 under 35 U.S.C. Section 103(a) are improper and, therefore, should be withdrawn. It is respectfully requested that the Board reverse the rejection of claims 20-25 and 27-30.

Respectfully submitted,

Michael Chan
Attorney for Applicant (Appellant)
Reg. No. 33,663

NCR Corporation, Law Department, WHQ4
1700 S. Patterson Blvd., Dayton, OH 45479-0001
Tel. No. 937-445-4956/Fax No. 937-445-6794

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(9)   CLAIMS APPENDIX

20.   (previously presented): A financial document processing system comprising:

a financial document processing transport including (i) means defining a document transport path along which financial documents can be transported, and (ii) a first display for allowing an operator to view an operator message which relates to an exception condition which has occurred along the document transport path;

a transport controller including (i) means for controlling operation of the transport, and (ii) means for generating an operator message when an exception condition occurs along the document transport path;

a transmitter interface including (i) means for receiving operator messages from the transport controller, and (ii) means for wirelessly transmitting operator messages; and

a portable control unit which is separate from the transport and which can be carried by an operator between a first location in which the operator is able to view the first display on the transport and a second location in which the operator is unable to view the first display on the transport, the portable control unit including (i) means for wirelessly receiving operator messages from the transmitter interface, (ii) a second display for allowing the operator to view an operator message which relates to an exception condition which has occurred along the document transport path without having to move from the second location to the first location to view the operator message on the first display, (iii) means for receiving command inputs from the operator, (iv) means for transmitting command messages which are based upon the command inputs to the transport to control operation of the transport, (v) means for receiving a broadcasted message advising that the transport is available, (vi) means for enabling the operator to select the transport, and (vii) means for exchanging authenticating information with the transport to establish a communication session with the transport.

21.   (previously presented): A financial document processing system according to claim 20, wherein the transport further includes (iii) means for creating a session identifier upon establishing a communication session with the portable control unit.

22.   (previously presented): A financial document processing system according to claim 21, wherein the session identifier is included in all messages exchanged between the transport and the portable control unit.

23.   (previously presented): A financial document processing system according to claim 22, wherein operator messages issued by the transport controller are directed both to the first display of the transport and the second display of the portable control unit.

24.   (previously presented): A financial document processing system according to claim 23, wherein the transmitter interface uses omnidirectional RF communication to transmit operator messages.

25.   (previously presented): A method of operating a financial document processing transport, the method comprising:

establishing a communication session with a portable operator control unit which can be carried by an operator between one location of the transport and another location of the transport during operation of the transport;

wirelessly transmitting operator messages to the portable control unit when an exception condition associated with the transport occurs; and

wirelessly receiving commands from the portable control unit when an operator responds to operator messages which have been wirelessly transmitted to the portable control unit.

27.   (previously presented): A method of operating a financial document processing transport to handle an exception condition which occurs during operation of the transport, the method comprising:

generating an operator message which is indicative of the exception condition;

displaying the operator message on a first display which is on the transport to allow an operator view the operator message when the operator is in a first location which is in the vicinity of the first display on the transport;

wirelessly transmitting the operator message to a second display which is on a portable control unit which has been carried by the operator from the first location to a second location in which the operator is unable to view the operator message on the first display on the transport, and thereby to allow the operator to view the operator message on the second display on the portable control unit without having to move back to the first location to view the operator message on the first display on the transport; and

receiving a command message from the portable control unit when the operator issues commands based upon the operator viewing the operator message displayed on the second display on the portable control unit.

28.   (previously presented): A financial document processing system comprising:

a plurality of financial document processing transports in the vicinity of one another, each transport including means for generating an availability message which includes a unique identifier when the transport is not engaged in a communication session;

first transmitter means including (i) means for processing messages including availability messages generated by each transport, and (ii) wirelessly broadcasting the messages;

a plurality of portable handheld operator control units in the vicinity of one another and within radio frequency of the first transmitter means, each control unit including (i) means for receiving messages which have been wirelessly broadcasted from the first transmitter means, (ii) means for generating a display listing available transports based upon messages which have been generated by transports, (iii) means for enabling an operator to

select from the listing of available transports a desired transport with which to request a communication session, and (iv) means for wirelessly transmitting a selection message which is indicative of the transport which has been selected by the operator and with which the operator desires to request a communication session; and

second transmitter means including (i) means for receiving messages including selection messages from each portable control unit, and (ii) means for directing messages including selection messages to the appropriate transport.

29.   (previously presented): A financial document processing system according to claim 28, wherein the first and second transmitter means comprise a transmitter interface and a transmitter server connected to the transmitter interface to control operation of the transmitter interface in response to commands from transports.

30.   (previously presented): A financial document processing system according to claim 28, wherein each transport includes means for providing an availability message when the transport is already engaged in a communication session with one portable control unit and the transport is available to engage in an additional session with a different portable control unit.